

(5) Request the prisoner to execute a promissory note, since funds expended by the Department to cover medical services normally are on a reimbursable basis; and

(6) Submit the above information, along with recommendations and evaluations, to the Department for approval and authorization.

(d) *Emergency expenditure authorization.* When a medical emergency prohibits the delay inherent in contacting the Department and receiving authority to expend funds, the consular officer can expend up to an amount to be established by the Department without prior Departmental approval if:

(1) Symptoms determine eligibility for emergency medical treatment; or

(2) An immediate medical examination is warranted in order to verify the alleged abuse of a U.S. national prisoner by arresting or confining authorities; or

(3) Immediate emergency medical treatment or surgery is necessary to prevent death or permanent disablement, and there is insufficient time to explore private funds or obtain Department approval; and

(4) A promissory note already has been executed by the prisoner, or if the circumstances warrant, by the consular officer without recourse.

**§ 71.11 Short-term full diet program.**

(a) *Eligibility criteria.* A prisoner is considered eligible for the short-term full diet program under the following general criteria:

(1) The prisoner is to be or has been held in excess of one day in a holding jail or other facility;

(2) Incarcerating officials do not provide the prisoner food, and food is not available from any other sources, including private funding from family or friends; and

(3) If the funds exceed an amount to be established by the Department, the prisoner signs a promissory note for funds expended, since the assistance is on a normally reimbursable basis.

(b) *Consular responsibility.* As soon as the consular officer is aware that a U.S. national is incarcerated in a facility wherein food is not routinely provided, the consular officer should:

(1) Contact the prisoner in accordance with existing procedures;

(2) Determine the normal cost of basic diet and best method of effecting payment;

(3) Attempt to secure funds from private sources such as family or friends;

(4) Because funds expended by the Department to cover the short-term full diet program normally are on a reimbursable basis, have the prisoner execute a promissory note; and

(5) Contact the Department, providing the above information, for approval and authorization.

(c) *Emergency expenditure authorization.* Since an immediate need for a short-term full diet program often prohibits the delay inherent in contacting the Department and receiving authority to expend funds, the consular officer can expend up to an amount to be established by the Department without prior Departmental approval if the prisoner's case meets the criteria established in paragraph (a) of this section. Expenditures above the predetermined limit must receive the prior approval of the Department.

**§ 71.12 Dietary supplements.**

(a) *Eligibility criteria.* A prisoner is considered eligible for the dietary supplement program under the following general criteria:

(1) An evaluation by a private physician, prison doctor, or other host country medical authority reveals that the prison diet does not meet the minimum requirements to sustain adequate health; or

(2) If the evaluation in paragraph (a)(1) of this section is not available, an evaluation by either a regional medical officer or Departmental medical officer reveals that the prison diet does not provide the minimum requirements to sustain adequate health.

(b) *Consular responsibility.* (1) When the consular officer is aware that the U.S. prisoner's diet does not provide the minimum requirements to sustain adequate health, the consular officer shall obtain the necessary dietary supplements and distribute them to the prisoner on a regular basis.

(2) As soon as the consular officer believes that dietary supplements are being misused, the consular officer

## Department of State

## § 72.1

shall suspend provision of the dietary supplements and report the incident in full to the Department.

### PART 72—DEATHS AND ESTATES

#### REPORTING DEATHS OF UNITED STATES CITIZENS

Sec.

- 72.1 Consular responsibility.
- 72.2 Exceptions to consular responsibility.
- 72.3 Telegraphic notifications of death.
- 72.4 Normal reporting procedure.
- 72.5 Reports of presumptive deaths.
- 72.6 Reports of deaths on the high seas.
- 72.7 Reports on deceased persons believed to be United States citizens.
- 72.8 Disposition of nationality documents.

#### DISPOSITION OF REMAINS

- 72.9 Consular responsibility.
- 72.10 Local burial.
- 72.11 Cremation.
- 72.12 Shipment of remains to the United States.
- 72.13 Remains requiring special handling.
- 72.14 Fees for disposing remains.

#### PERSONAL ESTATES OF DECEASED CITIZENS

- 72.15 Statutory responsibility of consular officer.
- 72.16 Regulatory responsibility of consular officer.
- 72.17 Responsibility of consular agents.
- 72.18 Responsibility if legal representative is present.
- 72.19 Responsibility if trustee for personal estate is present.
- 72.20 Responsibility if "partner in trade" is present.
- 72.21 Responsibility if will intended to operate locally exists.
- 72.22 Responsibility if will intended to operate in the United States exists.
- 72.23 Responsibility in case of Department of Defense personnel.
- 72.24 Responsibility in case of Coast Guard personnel.
- 72.25 Responsibility in case of citizens dying on the high seas.
- 72.26 Responsibility in case of seamen.
- 72.27 Responsibility in case of Foreign Service personnel.
- 72.28 Effects to be taken into possession.
- 72.29 Nominal possessions; property not normally taken into possession.
- 72.30 Bank deposits in foreign countries.
- 72.31 Action when immediate possession is impracticable.
- 72.32 Action when property is in other consular districts.
- 72.33 Official notification to legal representative.
- 72.34 [Reserved]

- 72.35 Procedure for inventorying and appraising effects.
- 72.36 Preparation and disposition of inventory.
- 72.37 Disposal of perishable property.
- 72.38 Collection of debts due deceased.
- 72.39 Payment of debts owed by deceased.
- 72.40 Consular officer not to act as administrator of estate.
- 72.41 Consular officer not to perform legal services or to employ counsel.
- 72.42 Consular officer not to assume financial responsibility.
- 72.43 Conditions under which estate can be released by consular officer.
- 72.44 Evidence of claimant's right to estate.
- 72.45 Shipment of personnel estate to the United States.
- 72.46 Consular action on disagreements between claimants.
- 72.47 Consular action on unproved claim to estate.
- 72.48 Consular action on unclaimed estates.
- 72.49 Disposition of estate upon departure of responsible officer.
- 72.50 Final statement of account.
- 72.51 Preparation and disposition of final statement of account.
- 72.52 Fee services.
- 72.53 No-fee services.
- 72.54 Estates of Government personnel exempt from fee assessments.
- 72.55 Estates of citizens dying on the high seas exempt from fee assessments.

AUTHORITY: R.S. 1709, as amended, sec. 302, 60 Stat. 1001; 22 U.S.C. 1175, 842.

SOURCE: 22 FR 10841, Dec. 27, 1957, unless otherwise noted.

#### REPORTING DEATHS OF UNITED STATES CITIZENS

##### § 72.1 Consular responsibility.

(a) A consular officer (or in his absence a diplomatic officer) is responsible for reporting to the Department, to the legal representative, and to the closest known relative the deaths of all United States citizens occurring in his consular district except as otherwise provided in § 72.2. In order that he may be informed of such deaths, the consular officer should enlist the cooperation and assistance of the local authorities and the members of the American community.

(b) A consular agent is not authorized to report the deaths of United States citizens to the Department, to the legal representative and to the closest known relative. The consular agent should, however, immediately report the circumstances of the death to